

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANTHONY J. FOLINO and
PETER D. OLIVIERI,

Plaintiffs,

v.

ORDER
07-CV-407

TOWN OF NIAGARA, et al.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(A). On April 14, 2010, plaintiffs filed a motion for leave to file a supplemental complaint.

On July 14, 2010, Magistrate Judge McCarthy filed a Decision and Order, denying plaintiff's motion for leave to file a supplemental complaint. On July 27, 2010, plaintiffs filed objections to the Decision and Order. The defendants filed a response and the Court heard oral argument on August 20, 2010.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed plaintiffs' objections and Magistrate Judge McCarthy's Decision and Order. Upon such review and after hearing

argument from counsel, the Court finds that Magistrate Judge McCarthy's Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order. Additionally, the parties are hereby ordered to complete depositions within 60 days of the date of this Order.

This case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: September 21, 2010